



UNITED STATES MARINE CORPS
MARINE FORCES RESERVE
2000 OPELOUSAS AVENUE
NEW ORLEANS, LA 70114-5400

IN REPLY REFER TO

5041

CIG

07 SEP 16

From: Lieutenant Colonel Scott Hanford, USMCR
To: Command Inspector General, Marine Forces Reserve
Subj: MARINE FORCES RESERVE HOTLINE COMPLETION REPORT;
CASE #16294

Ref: (a) MCO 5430.1, Marine Corps Inspector General Program
(b) Marine Corps Inspector General Program Investigations
Guide, Aug 2009
(c) Inspector General of the Marine Corps Policy
Memo 01-15
(d) SECNAVINST 12752.1A, Civilian Personnel Disciplinary
Actions
(e) DoD 5500.7-R, Joint Ethics Regulation
(f) Joint Travel Regulations (JTR)
(g) NAVSUPINST 4200.99B, Government Commercial Purchase
Card (GCPC) Program Policy
(h) Principles of Federal Appropriations Law Vol. I Ch. 4
(i) MARFORRES GCPC Internal Operating Procedures
(j) MCO 5760.4C, Procedures and Support for Non-Federal
Entities Authorized to Operate on Marine Corps
Installation and Informal Funds
(k) 18 U.S. Code § 495
(l) 18 U.S. Code § 1361
(m) MCO 5100.29 B, Marine Corps Safety Program
(n) MCO 5104.3B, Marine Corps Radiation Safety Program
(o) Force Order 12600.2, Civilian Time and Attendance

Encl: (1) MARFORRES Hotline Complaint #16294 dtd 6 July 201
(2) Statement of [REDACTED] 5 U.S.C. 552(b)(6) Tactical Safety
Specialist, MFR Safety Department, dtd 9 Aug 2016
(3) Statement of [REDACTED] 5 U.S.C. 552(b)(6) Tactical Safety
Specialist, Assistant Radiation Manager, MFR Safety
Department, dtd 10 Aug 2016
(4) Statement of [REDACTED] 5 U.S.C. 552(b)(6) Tactical Safety Specialist,
Industrial Hygienist, MFR Safety Department,
currently serving on ADOS with Wounded Warriors, dtd
12 Aug 2016
(5) Statement of [REDACTED] 5 U.S.C. 552(b)(6) former SNCOIC, MFR
Safety Department, dtd 11 Aug 2016
(6) Statement of [REDACTED] 5 U.S.C. 552(b)(6) former TSS, currently TSS with
Camp Pendleton, 15 Aug 2016

- (7) Statement of [REDACTED] 5 U.S.C. 552(b)(6) former SNCOIC, MFR Safety Department, dtd 11 Aug 2016
- (8) Statement of [REDACTED] 5 U.S.C. 552(b)(6) MFR SAPR Counselor dtd 8 Aug 2016
- (9) Statement of [REDACTED] 5 U.S.C. 552(b)(6) MFR SAPR Counselor, dtd 10 Aug 2016
- (10) Statement of [REDACTED] 5 U.S.C. 552(b)(6) former SAPR, recently PCS'd to Quantico, dtd 11 Aug 2016
- (11) Statement of [REDACTED] 5 U.S.C. 552(b)(6) Tactical Safety Specialist, Safety Department, 10 Aug 2016
- (12) Statement of [REDACTED] 5 U.S.C. 552(b)(6) APC, 10 Aug 2016
- (13) Statement of [REDACTED] 5 U.S.C. 552(b)(6) MFR G-6, dtd 11 Aug 2016
- (14) Statement of [REDACTED] 5 U.S.C. 552(b)(6) Deputy Director, MFR Safety Department, dtd 15 Aug 2016
- (15) Statement of [REDACTED] 5 U.S.C. 552(b)(6) Safety Director, MFR Safety Department, dtd 16 Aug 2016
- (16) G6 Helpdesk trouble report
- (17) MFR Counsel Opinion dtd 10 Mar 2015
- (18) Purchase Request Document dtd 7 Nov 2014 for mugs
- (19) Purchase Request Documents
- (20) TAD authorization documents for [REDACTED] 5 U.S.C. 552(b)(6)
- (21) TAD authorization documents for [REDACTED] 5 U.S.C. 552(b)(6)
- (22) Safety Department Comp time tacker report
- (23) Time and attendance record for [REDACTED] 5 U.S.C. 552(b)(6)
- (24) Appointment Letter for [REDACTED] 5 U.S.C. 552(b)(6)
- (25) Appointment Letter for [REDACTED] 5 U.S.C. 552(b)(6)
- (26) Email from Mr. Hobbs documenting purchase
- (27) Copy of text message from [REDACTED] 5 U.S.C. 552(b)(6)
- (28) Email from [REDACTED] 5 U.S.C. 552(b)(6) verifying comp time used
- (29) Appointment Letter for [REDACTED] 5 U.S.C. 552(b)(6)
- (30) Radiation Training Certificate for [REDACTED] 5 U.S.C. 552(b)(6)
- (31) Picture of [REDACTED] 5 U.S.C. 552(b)(6) broken phone
- (32) Text from [REDACTED] 5 U.S.C. 552(b)(6) referencing his phone being hit
- (33) Authorization to operate soda mess
- (34) Picture of food items sold in the soda mess
- (35) Radiation Training Certificates for [REDACTED] 5 U.S.C. 552(b)(6)
- (36) Soda mess Excel spreadsheet
- (37) Email from [REDACTED] 5 U.S.C. 552(b)(6)

1. Scope:

a. On 6 July 2016, the CIG, MARFORRES, received a complaint from [REDACTED] 5 U.S.C. 552(b)(6) Safety Department, Marine Corps Support Facility, New Orleans, LA. The subjects of this complaint are [REDACTED] 5 U.S.C. 552(b)(6) and [REDACTED] 5 U.S.C. 552(b)(6) [REDACTED] 5 U.S.C. 552(b)(6) Safety Department, Marine Corps Facilities, MARFORRES.

The complainant brought forth several allegations into the conduct and behavior of the two subjects. In addition to the complainant's allegations, the Command Inspector General also wants to address the following issues:

1. Has MARFORRES established an authorized collection site for equipment containing radioactivity at Marine Corps Support Facility, New Orleans?

2. Are MARFORRES Safety personnel properly trained and certified in accordance with DoD, Navy, Marine Corps directives, orders and regulations to handle radiation material?

3. Are MARFORRES safety directed programs: Warrior Preservation Status Report (WPSR) and Web Enabled Safety System (WESS) properly maintained and are safety personnel properly trained to manage these programs?

4. Was it directed or encouraged to allow MARFORRES safety personnel to cheat on CP-12 classes in order to have them completed quickly?

b. On 4 Aug 2016, I was directed by COMMARFORRES to conduct an IG investigation into Case #16294. Interviews were conducted with 15 staff members. Face-to-face interviews with 11 interviewees from 08-12 Aug 2016. I conducted 4 phone interviews with 3 former staff members of the Safety Department and a SAPR counselor from 10-12 Aug 2016. There were no constraints during this IG investigation. This report is broken down individually regarding each allegation and issues pertaining to specific subject.

c. During the course of this investigation, certain discrepancies were uncovered within the Safety Department in regards to the GCPC purchasing process which led to the following additional allegations, ALLEGATION #8 and ALLEGATION #7, for 5 U.S.C. 552(b)(6) and 5 U.S.C. 552(b)(6) respectively.

2. Allegations involving 5 U.S.C. 552(b)(6)

a. ALLEGATION #1: 5 U.S.C. 552(b)(6) abused his authority and position in an arbitrary or capricious exercise of power that adversely affected the rights of their subordinates through tyrannical, careless, or capricious conduct or continuous and/or severe abusive language as defined by the Merit System Protection Board in violation of the Joint Ethics Regulation, DoD 5500.7-R, from on or about Oct 2010 to present.

b. ALLEGATION #2: [5 U.S.C. 552(b)(6)] managed and supervised an unauthorized informal soda mess fund in violation of MCO 5760.4C, from on or about Aug 2007 to present.

c. ALLEGATION #3: [5 U.S.C. 552(b)(6)] authorized appropriated funds to supplement an informal fund/coffee mess using the GCPC in violation of NAVSUPINST 4200.99B and Principles of Federal Appropriations Law, Vol. I, Ch. 4, 4-21, from on or about Aug 2007 to present.

d. ALLEGATION #4: [5 U.S.C. 552(b)(6)] forged official procurement request forms by signing [5 U.S.C. 552(b)(6)] name without her knowledge or permission in violation of 18 U.S. Code § 495, on 16 Nov 2015 and on 7 Apr 2016 (3x).

e. ALLEGATION #5: [5 U.S.C. 552(b)(6)] destroyed or damaged a government telephone, government laptop computers, and government keyboards in violation of 1666, Destruction of Government Property, 18 U.S. Code § 1361, from on or about June 2015 to present.

f. ALLEGATION #6: [5 U.S.C. 552(b)(6)] conducted several unnecessary and excessive TAD trips to specific units for personal gain in violation of the JTR from 2014 to present.

g. ALLEGATION #7: [5 U.S.C. 552(b)(6)] submitted inaccurate office staff personnel time and attendance records, to include earned travel compensatory time and compensatory time in violation of SECNAVINST 12752.1A, from on or about 2014 to present?

h. ALLEGATION #8: [5 U.S.C. 552(b)(6)] acted as the Approving Official and the Fund Manager during the purchasing process in the Safety Department which is in violation of MARFORRES RCO Internal Operating Procedures.

3. Facts, Analysis, Findings, and Recommendations:

a. Allegation #1: [5 U.S.C. 552(b)(6)] abused his authority and position in an arbitrary or capricious exercise of power that adversely affected the rights of their subordinates through tyrannical, careless, or capricious conduct or continuous and/or severe abusive language as defined by the Merit System Protection Board in violation of the Joint Ethics Regulation, DoD 5500.7-R, from on or about Oct 2010 to present.

1. Findings of Facts:

a. Every witness' statement was consistent with the fact that discussions/conversations amongst all safety Department personnel often would get confrontational and abusive language was used and tolerated in the work place. Enclosure (1,2,3,5,5,6,7,11,14,15)

b. The SAPR counselors who were interviewed, whose offices are in close proximity to the Safety Department and are trained to detect a hostile environment, did not have anything significant to report. Enclosure (8,9,10)

c. 5 U.S.C. 552(b)(6) had several employees make purchases for him on their personal credit card and have the items shipped to their address. The employees usually benefitted by a few dollars for this transaction. 5 U.S.C. 552(b)(6) stated the reason for this was to hide a boat purchase from his wife until he could get the boat fixed up to present it to her as a present. Enclosure (1,2,6,14,15)

d. The boat was presented to 5 U.S.C. 552(b)(6) wife several years ago but 5 U.S.C. 552(b)(6) continued to ask employees to make purchases for him as recently as July 2015. Enclosure (15,26,27)

2. Analysis: The findings of fact revealed that 5 U.S.C. 552(b)(6) did not abuse his authority towards members of the command. The summary of interviews determined that conversations and discussions would get very animated and argumentative especially if anyone questioned 5 U.S.C. 552(b)(6) decisions or directions. Arguments would escalate to the point where foul language would be used, which seemed to be tolerated by all members of the Safety Department. The senior SNCOs interviewed did not observe any behavior that would have been conducive to a hostile work environment or refer to any instances in which 5 U.S.C. 552(b)(6) or 5 U.S.C. 552(b)(6) acted in any kind of tyrannical or careless manner. Although it appears that 5 U.S.C. 552(b)(6) does not excel in conflict resolution, no witness claimed any retaliation by 5 U.S.C. 552(b)(6) due to any conversations or arguments. 5 U.S.C. 552(b)(6) also asked and had several employees purchase items for him on their personal credit card and then front/reimburse the transaction with cash. 5 U.S.C. 552(b)(6) claimed this was done in order to keep a 34' sailboat that he purchased a secret from his wife who he planned to surprise her with as an anniversary gift. The boat needed much work done and was not ready in time for the anniversary. 5 U.S.C. 552(b)(6) could not recall

the exact date that he gave the boat to his wife but stated it was several years ago. There is documentation showing 5 U.S.C. 552(b)(6) continued to have employees make purchases on his behalf as recently as July 2015. When questioned as to why 5 U.S.C. 552(b)(6) would continue to ask employees to make purchases for him even after his wife knew about the boat, he sent an elaborate email (enclosure 37) explaining he was trying to hide the cost of maintaining the boat from his wife. When questioned about how or where 5 U.S.C. 552(b)(6) got the cash to make the purchases, 5 U.S.C. 552(b)(6) stated he got cash by doing odd jobs, car pool money and selling some items for cash. 5 U.S.C. 552(b)(6) denies ever taking any cash from the soda mess to make the purchases. While I can't disprove 5 U.S.C. 552(b)(6) claim, it is inappropriate management practices at best, could potentially compromise the employee/management relationship and could very easily be perceived that he was using the soda mess for his own personal gain. Chapter 10, Article 1023 of U. S. Navy Regulations defines abuse of authority and position as an arbitrary or capricious exercise of power by a military member that injures or adversely affects the rights of a subordinate by tyrannical, careless or capricious conduct or continuous and/or severe abusive language. At this point, the investigation concludes 5 U.S.C. 552(b)(6) did not violate any practices outlined in Prohibited Personnel Practices (5 USC § 2302(b)). Based on the standard and the lack of evidence, 5 U.S.C. 552(b)(6) did not abuse his authority.

3. Findings: 5 U.S.C. 552(b)(6) abused his authority and position in an arbitrary or capricious exercise of power that adversely affected the rights of their subordinates through tyrannical, careless, or capricious conduct or continuous and/or severe abusive language as defined by the Merit System Protection Board in violation of the Joint Ethics Regulation, DoD 5500.7-R, from on or about Oct 2010 to present is **NOT SUBSTANTIATED**.

4. Recommendations: None

b. Allegation #2: 5 U.S.C. 552(b)(6) managed and supervised an unauthorized informal soda mess fund in violation of MCO 5760.4C, from on or about Aug 2007 to present.

1. Findings of fact:

a. The Safety Department operated a soda mess while hosting the Ground Safety Course conducted as NAS Belle Chase. Enclosure (1,2,3,4,5,6,14,15)

b. 5 U.S.C. 552(b)(6) and 5 U.S.C. 552(b)(6) were the ones who primarily stocked the soda mess, but would use Safety Department personnel to assist from time to time. Enclosure (1,2,3,4,5,6,14,15)

c. 5 U.S.C. 552(b)(6) controlled the profits from the soda mess from Aug 2007 - present. Enclosure (1,2,3,4,5,6,14,15)

d. All statements corroborate the fact that profits from the fund were used to cover various expenses for office social events, plaques, and to help offset the cost of the Safety Department uniforms. Enclosure (1,2,3,4,5,6,14,15)

e. There is no institutionalized banking account associated with the Safety Department soda mess fund. 5 U.S.C. 552(b)(6) stated he had an excel spreadsheet on his computer that he used to account for the soda mess, until 6 weeks ago, when 5 U.S.C. 552(b)(6) hard drive crashed and was not recoverable which is confirmed by the G-6 helpdesk. Enclosure (15,16)

f. The Safety Department received prior authorization in 2007 to operate a soda mess to include access to a small number of snacks. Enclosure (33)

g. The Safety Department sold food items in the soda mess. Enclosure (34)

2. Analysis: According to MCO 5760.4C part 4. (2) (b) Informal Funds, paragraph 1, there is no requirement to have authorization to operate an informal fund unless it meets the requirements in subparagraph (3). According to MCO 5760.4C, there is no oversight required for an informal fund. With no institutionalized oversight, there would be no formal documentation as to whether the fund met the financial requirements needed for authorization as stated in subparagraph (b). 5 U.S.C. 552(b)(6) keeps the soda mess money bag in his desk drawer. Currently, there is approximately \$650 in the soda mess. 5 U.S.C. 552(b)(6) has since started a new spreadsheet that only covers the last Ground Safety class. Due to the fact that this fund operated with absolutely no institutionalized oversight, the requirements in subparagraph (3) could not be verified. MCO

5760.4C part 4. (2) (b) Informal Funds, paragraph 2, which was signed in Mar 2010, states soda/coffee messes may only sell beverages and shall not engage in the sale of food or other items. The Safety Department soda mess sold candy bars and other food items (peanuts, chips, Slim Jims, etc.) which is in violation of the order. Therefore, based on the standard and the preponderance of evidence, 5 U.S.C. 552(b)(6) violated MCO 5760.4C.

3. Findings: 5 U.S.C. 552(b)(6) managed and supervised an unauthorized informal soda mess fund in violation of MCO 5760.4C, from on or about Aug 2007 to present is **SUBSTANTIATED**.

4. Recommendations:

a. Rewrite MCO 5760.4C to state that an informal fund needs to have its own business account with proper oversight.

b. Require **ALL** informal funds seek authorization to operate as to limit what might be a competitive market place for informal funds.

c. Tie all informal funds to a specific fund raiser (ball fund, office social fund, etc.) with specific bylaws so all participants know the purpose of the fund.

c. Allegation #3: 5 U.S.C. 552(b)(6) authorized appropriated funds to supplement an informal fund/coffee mess using the GCPC in violation of NAVSUPINST 4200.99B and Principles of Federal Appropriations Law, Vol. I, Ch. 4, 4-21, from on or about Aug 2007 to present.

1. Findings of Facts:

a. 5 U.S.C. 552(b)(6) is the Approving Official for the Safety Department GCPC. Enclosure (24)

b. 5 U.S.C. 552(b)(6) stated he has had all his formal ethics training in regards to GCPC. Enclosure (15)

c. 5 U.S.C. 552(b)(6) is the designated Fund Manager. Enclosure (29)

d. 5 U.S.C. 552(b)(6) authorized the purchase of mugs on at least one occasion as a "Safety promotion" using the GCPC. Enclosure (18)

e. These mugs were given only to those individuals who participated in the soda mess. Enclosure (14,15)

f. The cost to join the soda mess was \$15 for the three week course. Enclosure (15)

g. Counsel's Opinion dtd 10 Mar 2015 stated the general rule is giveaways purchased with appropriated funds is not allowed. Enclosure (17)

2. Analysis: The findings of fact revealed that 5 U.S.C. 552(b)(6) did authorize appropriated funds to supplement an informal fund/coffee mess using the GCPC. Citing MARFORRES Counsel's opinion dtd 10 Mar 2015 (Enclosure 17), the giveaways "do not directly advance the statutory mission of Marine Forces Reserve, nor will the benefit of the Government outweigh the personal nature of the expense." MCO 5100.29B, Marine Corps Safety Program, Enclosure (1), Chapter 1, paragraph 3, alludes to the fact that Safety Departments are permitted promotional giveaways to promote safety programs and themes aboard the base. This was the reference the Safety Department cited giving them authorization to purchase promotional items. The fact that only those individuals who made a monetary contribution to the soda mess received a mug, in my opinion, does not constitute a "promotion." Based on the standard and the preponderance of evidence, 5 U.S.C. 552(b)(6) used appropriate funds to supplement an informal fund/coffee mess using the GCPC.

3. Findings: 5 U.S.C. 552(b)(6) authorized appropriated funds to supplement an informal fund/coffee mess using the GCPC in violation of NAVSUPINST 4200.99B and Principles of Federal Appropriations Law, Vol. I, Ch. 4, 4-21, from on or about Aug 2007 to present is **SUBSTANTIATED**.

4. Recommendation:

a. Clarify MCO 5100.29B, Marine Corps Safety Program, Enclosure (1), Chapter 1, paragraph 3 for when legal counsel is needed in regards to giveaway or promotional items.

b. Cease the use of appropriated funds to purchase items for the soda mess under the guise of a "safety promotion."

c. SECNAVINST 12752.1A recommends reprimand to removal for failure to appropriately monitor the use of the government purchase card.

d. Allegation #4: 5 U.S.C. 552(b)(6) forged official procurement request forms by signing 5 U.S.C. 552(b)(6) name without her knowledge or permission in violation of 18 U.S. Code § 495, on 16 Nov 2015 and on 7 Apr 2016 (3x).

1. Findings of Facts:

a. 5 U.S.C. 552(b)(6) is the Approving Official (AO) for the Safety Department's GCPC. Enclosure (24)

b. 5 U.S.C. 552(b)(6) is the designated Fund Manager (FM) for the Safety Department's GCPC. Enclosure (29)

c. 5 U.S.C. 552(b)(6) is the cardholder (CH) for the Safety Department's GCPC. Enclosure (25)

d. 5 U.S.C. 552(b)(6) signed 5 U.S.C. 552(b)(6) name as the FM. Enclosure (14)

2. Analysis: The findings of fact revealed that 5 U.S.C. 552(b)(6) did not forge official procurement request forms by signing 5 U.S.C. 552(b)(6) name without her knowledge or permission. However, 5 U.S.C. 552(b)(6) was made aware, by 5 U.S.C. 552(b)(6) that 5 U.S.C. 552(b)(6) signed 5 U.S.C. 552(b)(6) name on the purchase request documents to satisfy the paperwork for the APC audit. There is no evidence that 5 U.S.C. 552(b)(6) forged 5 U.S.C. 552(b)(6) signature.

3. Findings: 5 U.S.C. 552(b)(6) forged official procurement request forms by signing 5 U.S.C. 552(b)(6) name without her knowledge or permission in violation of 18 U.S. Code § 495, on 16 Nov 2015 and on 7 Apr 2016 (3x) is **NOT SUBSTANTIATED**.

4. Recommendation: See allegation #8.

e. Allegation #5: 5 U.S.C. 552(b)(6) destroyed or damaged a government telephone, government laptop computers, and government keyboards in violation of 1666, Destruction of Government Property, 18 U.S. Code § 1361, from on or about June 2015 to present.

1. Findings of Facts:

a. [5 U.S.C. 552(b)(6)] phone was broken and was replaced on 27 May 2015. Enclosure (16,31,32)

b. The report from G-6 Helpdesk does not show any keyboards or laptops being replaced. Enclosure (16)

c. [5 U.S.C. 552(b)(6)] stated he witnessed [5 U.S.C. 552(b)(6)] beat the phone handset on the receiver several times resulting in cracking the LCD. Enclosure (6)

d. [5 U.S.C. 552(b)(6)] stated that he heard the banging of the phone and afterwards walked passed [5 U.S.C. 552(b)(6)] office and saw the damaged phone. Enclosure (3)

e. [5 U.S.C. 552(b)(6)] stated that a wall plaque, hanging on his wall, is what fell and hit the phone causing the damage. Enclosure (15)

f. [5 U.S.C. 552(b)(6)] stated, at times, he would take his frustration out on inanimate objects. Enclosure (15)

2. Analysis: I could not verify from the evidence, that [5 U.S.C. 552(b)(6)] damaged any laptops or keyboards. Based upon the witnesses statements, I can reasonably conclude that [5 U.S.C. 552(b)(6)] did damage a government telephone in violation of 1666, Destruction of Government Property, 18 U.S. Code § 1361. When detailed questions were asked about how the plaque came off the wall, [5 U.S.C. 552(b)(6)] could not provide specifics other than stating "you know, if someone were to slam their door." In my opinion, as the Safety Director, if one were to slam a door so hard that it caused a plaque to fall off the wall, you would investigate the situation and be able to provide specific details. I personally visited his office and he showed me the plaque that supposedly fell. There was no damage to the plaque to indicate that it came off the wall. The code, 1666, Destruction of Government Property, 18 U.S. Code § 1361 prohibits actual physical damage of both real and personal property. Therefore, based on the standard there is enough evidence to determine [5 U.S.C. 552(b)(6)] damaged a government telephone. However, there was not enough evidence to determine that [5 U.S.C. 552(b)(6)] damaged any laptops or keyboards.

3. Findings: [5 U.S.C. 552(b)(6)] destroyed or damaged a government telephone in violation of 1666, Destruction of Government Property, 18 U.S. Code § 1361, from on or about June 2015 to present is **SUBSTANTIATED**. [5 U.S.C. 552(b)(6)] destroyed or

damaged government laptop computers, and government keyboards in violation of 1666, Destruction of Government Property, 18 U.S. Code § 1361, from on or about June 2015 to present is **NOT SUBSTANTIATED**.

4. Recommendation: 1666. Destruction Of Government Property, 18 U.S.C. § 1361 states if the damage exceeds \$100, the defendant is subject to a fine of up to \$250,000, ten years imprisonment, or both. The government cost to replace a Cisco 7945 telephone is \$410.79.

f. Allegation #6: **5 U.S.C. 552(b)(6)** conducted several unnecessary and excessive TAD trips to specific units for personal gain in violation of the JTR from 2014 to present.

1. Findings of Facts:

a. **5 U.S.C. 552(b)(6)** took 10 TAD trips from Jan 2012 - present. Enclosure (20)

2. Analysis: After reviewing the travel history of **5 U.S.C. 552(b)(6)** there is no evidence to indicate any excessive trips were taken or any trips for personal gains. I could not find enough evidence to support this allegation.

3. Findings: **5 U.S.C. 552(b)(6)** conducted several unnecessary and excessive TAD trips to specific units for personal gain in violation of the JTR from 2014 to present is **NOT SUBSTANTIATED**.

4. Recommendations: None.

g. Allegation #7: **5 U.S.C. 552(b)(6)** submitted inaccurate office staff personnel time and attendance records, to include earned travel compensatory time and compensatory time in violation of SECNAVINST 12752.1A, from on or about 2014 to present?

1. Findings of Facts:

a. All statements from Safety Department personnel corroborate that all comp time and travel comp time was documented on an excel spreadsheet. Enclosure (1,2,3,4,5,6,11,14,15)

b. **5 U.S.C. 552(b)(6)** managed the comp time spreadsheet. Enclosure (1,2,3,4,5,6,11,14,15)

c. [5 U.S.C. 552(b)(6)] was responsible for all time cards.
Enclosure (14,15)

d. Comp time earned was never reflected on any staff members LES or time card. Enclosure (1,2,3,4,5,6,11)

e. [5 U.S.C. 552(b)(6)] SLDCADA Employee Hours for the month of July 2016 records him as RG (Regular), when he stated he was using his comp time. Enclosure (23)

2. Analysis: The SOP in the Safety Department is to track comp time on an excel spreadsheet managed by [5 U.S.C. 552(b)(6)] in violation of Force Order 12600.2. Enclosure (22) is an example of [5 U.S.C. 552(b)(6)] comp time report. It shows when he earned the comp time, the amount of comp time earned (which does not delineate travel comp time or regular comp time) and when he used his comp time. Even though this record shows [5 U.S.C. 552(b)(6)] used his comp time in June, [5 U.S.C. 552(b)(6)] stated the document was inaccurate, he actually used his comp time in July. This one example demonstrates the multiple flaws in the Safety Department system regarding accurate time and attendance records for their employees. [5 U.S.C. 552(b)(6)] time and attendance record for the month of July reports [5 U.S.C. 552(b)(6)] being recorded as RG while on "unofficial" comp time and in violation of ForO 12600.2 Section 3. Execution. (Enclosure 23) While I did not pull everyone's time and attendance record, I can safely assume this was the recording system for everyone in the Safety Department. Based on the preponderance of evidence, [5 U.S.C. 552(b)(6)] did not accurately submit his civilian staff members SLDCADA Employee Hours.

3. Findings: [5 U.S.C. 552(b)(6)] submitted inaccurate office staff personnel time and attendance records, to include earned travel compensatory time and compensatory time in violation of SECNAVINST 12752.1A, from on or about 2014 to present is **SUBSTANTIATED**.

4. Recommendation:

a. SECNAVINST 12752.1A recommends reprimand to removal for falsification of time and attendance records.

h. ALLEGATION #8: [5 U.S.C. 552(b)(6)] acted as the Approving Official and the Fund Manager during the purchasing process in the Safety Department which is in violation of MARFORRES RCO Internal Operating Procedures.

1. Findings of Facts:

- a. [5 U.S.C. 552(b)(6)] is the Authorizing Official (AO) for the Safety Department's GCPC. Enclosure (24)
- b. [5 U.S.C. 552(b)(6)] is the designated Fund Manager (FM) for the Safety Department's GCPC. Enclosure (29)
- c. [5 U.S.C. 552(b)(6)] is the cardholder (CH) for the Safety Department's GCPC. Enclosure (25)
- d. [5 U.S.C. 552(b)(6)] stated he signed [5 U.S.C. 552(b)(6)] name as the FM. Enclosure (14)
- e. [5 U.S.C. 552(b)(6)] stated the FM was used as a "check in the box" and was not used in the proper manner as described in the Internal Operating Procedures (IOP). Enclosure (14)
- f. [5 U.S.C. 552(b)(6)] stated that [5 U.S.C. 552(b)(6)] acted as the FM because he controlled the budget. Enclosure (14)

2. Analysis: The findings of fact revealed that the GCPC process in the Safety Department operates in violation of MARFORRES RCO GCPC Internal Operating Procedures. [5 U.S.C. 552(b)(6)] stated, as the FM, her only role in the process was to initially input the Safety Department's budget and then every month [5 U.S.C. 552(b)(6)] would normally hand her a stack of Purchase Request Documents (PRDs) to sign as the FM **AFTER** the purchases have already been made. [5 U.S.C. 552(b)(6)] stated that she had no role in verifying available funds prior to the purchase as the MARFORRES RCO IOP states. This is in violation of MARFORRES RCO GCPC Internal Operating Procedures 5.2.3.2. I can conclude from the investigation and from [5 U.S.C. 552(b)(6)] statement, [5 U.S.C. 552(b)(6)] acted as the FM and the AO in violation of MARFORRES RCO GCPC Internal Operating Procedures 5.2.1. [5 U.S.C. 552(b)(6)] did not provide the proper separation of function as described in the IOP.

3. Findings: [5 U.S.C. 552(b)(6)] acted as the Approving Official and the Fund Manager during the purchasing process in the Safety Department which is in violation of MARFORRES RCO Internal Operating Procedures is **SUBSTANTIATED**.

4. Recommendations: SECNAVINST 12752.1A recommends reprimand to removal for failure to appropriately monitor the use of the government purchase card.

4. Issues involving Mr. [REDACTED] 5 U.S.C. 552(b)(6)

a. ISSUE #1: Did [REDACTED] 5 U.S.C. 552(b)(6) ensure his staff personnel were afforded the opportunity to take compensatory time off within the applicable time it was earned?

1. Analysis: While all personnel assigned to the Safety Department, to include the Director and Deputy Director, acknowledge that comp time was recorded and documented on an unofficial spreadsheet, no one stated that they were not afforded to take the comp time they earned within the applicable time frame. Enclosure (1,2,3,4,5,6,11,14,15)

2. Findings/Recommendation: [REDACTED] 5 U.S.C. 552(b)(6) did not ensure his staff personnel were afforded the opportunity to take compensatory time off within the applicable time it was earned is **UNFOUNDED**.

b. ISSUE #2: Did [REDACTED] 5 U.S.C. 552(b)(6) fail to grant staff personnel earned travel compensatory time and compensatory time, specifically, former staff member, [REDACTED] 5 U.S.C. 552(b)(6)

1. Analysis: Two individuals interviewed stated they were denied comp time by [REDACTED] 5 U.S.C. 552(b)(6) [REDACTED] 5 U.S.C. 552(b)(6) stated that he was denied by [REDACTED] 5 U.S.C. 552(b)(6) approximately 25 hours of comp time that he earned while supporting Integrated Training Exercise. 29 Palms, CA approximately 2 years ago. [REDACTED] 5 U.S.C. 552(b)(6) stated, at the time, he had documentation supporting his claim. [REDACTED] 5 U.S.C. 552(b)(6) said [REDACTED] 5 U.S.C. 552(b)(6) did not believe him and denied the 25 hours of comp time. The investigation could not verify this claim. [REDACTED] 5 U.S.C. 552(b)(6) found out in May 2015 that he got a job offer with the Safety Department in Camp Pendleton and was due to transfer in Aug 2015. [REDACTED] 5 U.S.C. 552(b)(6) had previously volunteered to go to ITX during the month of June 2015. [REDACTED] 5 U.S.C. 552(b)(6) and [REDACTED] 5 U.S.C. 552(b)(6) stated that they told [REDACTED] 5 U.S.C. 552(b)(6) at least 2 times, that [REDACTED] 5 U.S.C. 552(b)(6) would have to use all his comp time before he transferred and if he couldn't, then he would not be allowed to go to ITX. [REDACTED] 5 U.S.C. 552(b)(6) denies he was informed of that and was under the assumption that his comp time earned while at ITX would transfer with him. [REDACTED] 5 U.S.C. 552(b)(6) stated that if he knew his comp time would not transfer, he would not have gone to ITX. [REDACTED] 5 U.S.C. 552(b)(6) stated that he has email documentation seeking clarification about his comp time but it was never responded to by either [REDACTED] 5 U.S.C. 552(b)(6) or [REDACTED] 5 U.S.C. 552(b)(6) That email is inaccessible since [REDACTED] 5 U.S.C. 552(b)(6) is currently in Kuwait. [REDACTED] 5 U.S.C. 552(b)(6) says he earned 210 hours of comp time while supporting ITX. When I questioned [REDACTED] 5 U.S.C. 552(b)(6) about [REDACTED] 5 U.S.C. 552(b)(6) comp time, [REDACTED] 5 U.S.C. 552(b)(6)

5 U.S.C. 552(b)(6) could not provide any specific details in regards to 5 U.S.C. 552(b)(6) comp time. 5 U.S.C. 552(b)(6) deleted 5 U.S.C. 552(b)(6) comp time spreadsheet once 5 U.S.C. 552(b)(6) transferred. When questioned about the 210 hours of comp time, 5 U.S.C. 552(b)(6) could not remember the exact number but stated that it was somewhere "between 100-200 hours." 5 U.S.C. 552(b)(6) stated that he did use 150 hours of comp time between his return from ITX and his transfer to the West Coast, but still had 90 hours of comp time owed when he transferred. Enclosure (28)

2. Findings/Recommendation: Based on the evidence, 5 U.S.C. 552(b)(6) failed to grant staff personnel earned travel compensatory time and compensatory time, specifically, former staff member, 5 U.S.C. 552(b)(6) is **FOUNDED**. Because it is not clearly stated in the Time and Attendance manual and seeing how Safety grossly mismanaged their comp time for employees, I agree that 5 U.S.C. 552(b)(6) is owed 90 hours of comp time and should be paid out. I recommend adding a paragraph to ForO 12600.2 clearly stating the Command's policy on comp time for employees who transfer to another command within the DoD or upon termination.

c. ISSUE #3: Did 5 U.S.C. 552(b)(6) maintain an unauthorized, off-the-books account of travel compensatory time and compensatory time for the Safety Directorate?

1. Analysis: Reference Allegation #7.

2. Findings/Recommendation: 5 U.S.C. 552(b)(6) maintained an unauthorized, off-the-books account of travel compensatory time and compensatory time for the Safety Directorate is **FOUNDED**.

5. Allegations involving 5 U.S.C. 552(b)(6)

a. ALLEGATION #1: 5 U.S.C. 552(b)(6) abused his authority and position abused their authority and position in an arbitrary or capricious exercise of power that adversely affected the rights of their subordinates through tyrannical, careless, or capricious conduct or continuous and/or severe abusive language as defined by the Merit System Protection Board in violation of the Joint Ethics Regulation, DoD 5500.7-R, from on or about Oct 2010 to present.

b. ALLEGATION #2: 5 U.S.C. 552(b)(6) managed and supervised an unauthorized informal soda mess fund in violation of MCO 5760.4C, from on or about Aug 2007 to present.

c. ALLEGATION #3: 5 U.S.C. 552(b)(6) misused appropriated funds to supplement an informal fund/coffee mess using the GCPC in violation of NAVSUPINST 4200.99B and Principles of Federal Appropriations Law, Vol. I, Ch. 4, 4-21, from on or about Aug 2007 to present.

d. ALLEGATION #4: 5 U.S.C. 552(b)(6) forged official procurement request forms by signing Ms. Charlee Law's name without her knowledge or permission in violation of 18 U.S. Code § 495, on 16 Nov 2015 and on 7 Apr 2016 (3x).

e. ALLEGATION #5: 5 U.S.C. 552(b)(6) conducted several unnecessary TAD trips to specific units for personal gain in violation of the JTR from 2014 to present.

f. ALLEGATION #6: 5 U.S.C. 552(b)(6) submitted inaccurate office staff personnel time and attendance records, to include earned travel compensatory time and compensatory time in violation of SECNAVINST 12752.1A, from on or about 2014 to present.

g. ALLEGATION #7: 5 U.S.C. 552(b)(6) did not carry out the duties as the Safety Department Card Holder (CH) by ensuring the proper separation of function to prevent personal conflicts of interest, fraud, waste and abuse as described in MARFORRES RCO Internal Operating Procedures.

6. Facts, Analysis, Findings, and Recommendations:

a. Allegation #1: 5 U.S.C. 552(b)(6) abused his authority and position abused their authority and position in an arbitrary or capricious exercise of power that adversely affected the rights of their subordinates through tyrannical, careless, or capricious conduct or continuous and/or severe abusive language as defined by the Merit System Protection Board in violation of the Joint Ethics Regulation, DoD 5500.7-R, from on or about Oct 2010 to present.

1. Findings of Facts:

a. All Safety Department personnel interviewed stated they had no issues with 5 U.S.C. 552(b)(6) acting in a way that would have been perceived as an abuse of power. Enclosure (2,3,4,5,6,7,11)

2. Analysis: Every one interviewed in the Safety Department described 5 U.S.C. 552(b)(6) as a passive type of manager who tries to avoid conflict. No one had any significant issues with 5 U.S.C. 552(b)(6) There was 1 interviewee who expressed his concern

over lack of action taken by [5 U.S.C. 552(b)(6)] when he brought issues to [5 U.S.C. 552(b)(6)] attention. I would attribute [5 U.S.C. 552(b)(6)] lack of action as his prerogative to determine what is actionable or not as the Deputy Safety Director. Based on the lack of evidence, I could not determine [5 U.S.C. 552(b)(6)] abused his authority and position.

3. Findings: [5 U.S.C. 552(b)(6)] abused his authority and position in an arbitrary or capricious exercise of power that adversely affected the rights of their subordinates through tyrannical, careless, or capricious conduct or continuous and/or severe abusive language as defined by the Merit System Protection Board in violation of the Joint Ethics Regulation, DoD 5500.7-R, from on or about Oct 2010 to present is **NOT SUBSTANTIATED**.

4. Recommendation: None.

b. Allegation #2: [5 U.S.C. 552(b)(6)] managed and supervised an unauthorized informal soda mess fund in violation of MCO 5760.4C, from on or about Aug 2007 to present.

1. Findings of fact:

a. The Safety Department operated a soda mess while hosting the Ground Safety Course conducted as NAS Belle Chase. Enclosure (1,2,3,4,5,6,14,15)

b. [5 U.S.C. 552(b)(6)] and [5 U.S.C. 552(b)(6)] were the ones who primarily stocked the soda mess, but would use Safety Department personnel to assist from time to time. Enclosure (1,2,3,4,5,6,14,15)

c. [5 U.S.C. 552(b)(6)] was the one who controlled the profits from the soda mess. Enclosure (15)

d. The profits from the fund were used to cover expenses for office social events, plaques and to help offset the cost of the Safety Department uniforms. Enclosure (1,2,3,4,5,6,14,15)

e. There was no formal account associated with the soda mess fund. [5 U.S.C. 552(b)(6)] had an excel spreadsheet on his computer that he used to account for the soda mess, until 6 weeks ago, when [5 U.S.C. 552(b)(6)] hard drive crashed and was not recoverable. Enclosure (15)

f. The Safety Department received prior authorization in 2007 to operate a soda mess to include access to a small number of snacks. Enclosure (33)

g. The Safety Department sold food items in the soda mess. Enclosure (34)

2. Analysis: [REDACTED] 5 U.S.C. 552(b)(6) was the primary manager of the soda mess while [REDACTED] 5 U.S.C. 552(b)(6) acted as the assistant manager. According to MCO 5760.4C part 4. (2) (b) Informal Funds, there is no requirement to have authorization to operate an informal fund unless it meets the requirements in subparagraph (3). According to MCO 5760.4C, there is no oversight required for an informal fund. With no oversight, there would be no documentation as to whether the fund met the financial requirements needed for authorization as stated in Subparagraph (b). Due to the fact that this fund operated with absolutely no oversight, the requirements in subparagraph (3) could not be verified. MCO 5760.4C part 4. (2) (b) Informal Funds, paragraph 2, which was signed in Mar 2010, states soda/coffee messes may only sell beverages and shall not engage in the sale of food or other items. The Safety Department soda mess sold candy bars and other food items (peanuts, chips, Slim Jims, etc.) which is in violation of the order. Therefore, based on the standard and the preponderance of evidence, [REDACTED] 5 U.S.C. 552(b)(6) violated MCO 5760.4C.

3. Findings: [REDACTED] 5 U.S.C. 552(b)(6) managed and supervised an unauthorized informal soda mess fund in violation of MCO 5760.4C, from on or about Aug 2007 to present is **SUBSTANTIATED**.

4. Recommendations:

a. Rewrite MCO 5760.4C to state that an informal fund needs to have its own business account with proper oversight.

b. Require **ALL** informal funds seek authorization to operate as to limit what might be a competitive market place for informal funds.

c. Tie all informal funds to a specific purpose (ball fund, office social fund, etc.) with specific bylaws so all participants know the purpose of the fund.

c. Allegation #3: [5 U.S.C. 552(b)(6)] misused appropriated funds to supplement an informal fund/coffee mess using the GCPC in violation of NAVSUPINST 4200.99B and Principles of Federal Appropriations Law, Vol. I, Ch. 4, 4-21, from on or about Aug 2007 to present.

1. Findings of Facts:

a. [5 U.S.C. 552(b)(6)] is the Card Holder for the Safety Department GCPC and he has all the formal training required in regards to the GCPC. Enclosure (25)

b. [5 U.S.C. 552(b)(6)] authorized the purchase of mugs on at least one occasion as a "Safety promotion" using the GCPC. Enclosure (18)

c. These mugs were given only to those individuals who participated in the soda mess. Enclosure (14,15)

d. The cost to join the soda mess was \$15 for the three week course. Enclosure (15)

e. Counsel's Opinion dtd 10 Mar 2015 stated the general rule is giveaways purchased with appropriated funds is not allowed. Enclosure (17)

2. Analysis: The findings of fact revealed that [5 U.S.C. 552(b)(6)] did authorize appropriated funds to supplement an informal fund/coffee mess using the GCPC. As the card holder, [5 U.S.C. 552(b)(6)] did not act in accordance with the MARFORRES GCPC IOP, section 2.3.5. Citing MFR Counsel's opinion dtd 10 Mar 2015 (Enclosure 17), the giveaways "do not directly advance the statutory mission of Marine Forces Reserve, nor will the benefit of the Government outweigh the personal nature of the expense." MCO 5100.29B, Marine Corps Safety Program, Enclosure (1), Chapter 1, paragraph 3, alludes to the fact that Safety Departments are permitted promotional giveaways to promote safety programs and themes aboard the base. This was the reference the Safety Department cited giving them authorization to purchase promotional items. The fact that only those individuals who made a monetary contribution to the soda mess received a mug, in my opinion, does not constitute a "promotion." Therefore, based on the standard and the preponderance of evidence, [5 U.S.C. 552(b)(6)] is in violation of this allegation.

3. Findings: [5 U.S.C. 552(b)(6)] authorized appropriated funds to supplement an informal fund/coffee mess using the GCPC in

violation of NAVSUPINST 4200.99B and Principles of Federal Appropriations Law, Vol. I, Ch. 4, 4-21, from on or about Aug 2007 to present is **SUBSTANTIATED**.

4. Recommendations:

a. Clarify MCO 5100.29B, Marine Corps Safety Program, Enclosure (1), Chapter 1, paragraph 3 for when legal counsel is needed in regards to giveaway or promotional items.

b. Cease the use of appropriated funds to purchase items for the soda mess.

d. Allegation #4: [REDACTED] 5 U.S.C. 552(b)(6) forged official procurement request forms by signing [REDACTED] 5 U.S.C. 552(b)(6) name without her knowledge or permission in violation of 18 U.S. Code § 495, on 16 Nov 2015 and on 7 Apr 2016.

1. Findings of Fact:

a. [REDACTED] 5 U.S.C. 552(b)(6) admitted to signing [REDACTED] 5 U.S.C. 552(b)(6) name without her consent or permission on multiple occasions. Enclosure (14,19)

2. Analysis: It is concluded that the FM did not have a prevalent role in the Purchase request process in the Safety Department in violation of MARFORRES RCO GCPC Internal Operating Procedures. [REDACTED] 5 U.S.C. 552(b)(6) stated that the FM was "just a check in the box" and [REDACTED] 5 U.S.C. 552(b)(6) would act as the AO and FM which is in violation of MARFORRES RCO GCPC Internal Operating Procedures 5.2.3.2. APC was getting inspected in July 2016 and requested some documents from the Safety Department as part of their audit. [REDACTED] 5 U.S.C. 552(b)(6) realized the documents APC requested were not properly completed and signed [REDACTED] 5 U.S.C. 552(b)(6) name as the Fund Manager so the documents would be complete and not highlight the Safety Department or APC. [REDACTED] 5 U.S.C. 552(b)(6) was not in the office during this time. [REDACTED] 5 U.S.C. 552(b)(6) stated that he tried to call [REDACTED] 5 U.S.C. 552(b)(6) to tell her about the situation, but never reached her. MARFORRES RCO GCPC Internal Operating Procedures 5.2.3.2 clearly states the procedures for what to do if the FM is unavailable. It takes 5 signatures from start to finish for a Purchase request. While I do not believe there was any intent to defraud the government in this case, [REDACTED] 5 U.S.C. 552(b)(6) acted expeditiously but erroneously by signing [REDACTED] 5 U.S.C. 552(b)(6) name. Based on the standard and the preponderance of evidence, [REDACTED] 5 U.S.C. 552(b)(6) forged Ms. Law's signature.

3. Findings: [5 U.S.C. 552(b)(6)] forged official procurement request forms by signing [5 U.S.C. 552(b)(6)] Law's name without her knowledge or permission in violation of 18 U.S. Code § 495, on 16 Nov 2015 and on 7 Apr 2016 is **SUBSTANTIATED**.

4. Recommendations: SECNAVINST 12752.1A recommends reprimand to removal for failure to appropriately monitor the use of the government purchase card.

e. Allegation #5: [5 U.S.C. 552(b)(6)] conducted several unnecessary TAD trips to specific units for personal gain in violation of the JTR from 2014 to present.

1. Findings of Facts:

a. [5 U.S.C. 552(b)(6)] took 17 TAD trips from Dec 2011 - present.
Enclosure (21)

2. Analysis: After reviewing the travel history of [5 U.S.C. 552(b)(6)] there is no evidence to indicate any excessive trips were taken or any trips for personal gains. I could not find enough evidence to support this allegation.

3. Findings: [5 U.S.C. 552(b)(6)] conducted several unnecessary and excessive TAD trips to specific units for personal gain in violation of the JTR from 2014 to present is **NOT SUBSTANTIATED**.

4. Recommendations: None.

f. Allegation #6: [5 U.S.C. 552(b)(6)] submitted inaccurate office staff personnel time and attendance records, to include earned travel compensatory time and compensatory time in violation of SECNAVINST 12752.1A, from on or about 2014 to present.

1. Findings of Facts:

a. All statements from Safety Department personnel corroborate that all comp time and travel comp time was documented on an excel spreadsheet. Enclosure (1,2,3,4,5,6,11,14,15)

2. [5 U.S.C. 552(b)(6)] managed the comp time spreadsheet.
Enclosure (1,2,3,4,5,6,11,14,15)

3. [5 U.S.C. 552(b)(6)] was responsible for all time cards.
Enclosure (14,15)

4. The only way to verify your comp time balance was on the spreadsheet. Enclosure (2,3,4,5,6,11)

2. Analysis: While 5 U.S.C. 552(b)(6) was clear to state that 5 U.S.C. 552(b)(6) was responsible for all time cards, 5 U.S.C. 552(b)(6) was the one who managed the excel spreadsheet which was used by the Safety Department as their unofficial comp time tracker in violation of Force Order 12600.2. Enclosure (22) is an example of 5 U.S.C. 552(b)(6) comp time report. On it shows when he earned the comp time, the amount of comp time earned (which does not delineate travel comp time or regular comp time) and when he used his comp time. Even though this record shows 5 U.S.C. 552(b)(6) used his comp time in June, 5 U.S.C. 552(b)(6) stated that was wrong, he actually used his comp time in July. This one example demonstrates the multiple flaws in the Safety Department system. I then went and pulled 5 U.S.C. 552(b)(6) time and attendance record for the month of July to see how the Safety Department was categorizing personnel while on "unofficial" comp time and from the report it shows 5 U.S.C. 552(b)(6) being recorded as RG in violation of Force Order 12600.2. While I did not pull everyone's time and attendance record, I can safely assume this was the recording system for everyone in the Safety Department. Based on the standard and the preponderance of the evidence, 5 U.S.C. 552(b)(6) knowingly mismanaged the office civilian personnel time and attendance records, specifically comp time.

3. Findings: 5 U.S.C. 552(b)(6) submitted inaccurate office staff personnel time and attendance records, to include earned travel compensatory time and compensatory time in violation of SECNAVINST 12752.1A, from on or about 2014 to present is **SUBSTANTIATED**.

4. Recommendation: SECNAVINST 12752.1A recommends reprimand to removal for falsification of time and attendance records.

g. ALLEGATION #7: 5 U.S.C. 552(b)(6) did not carry out the duties as the Safety Department Card Holder (CH) by ensuring the proper separation of function to prevent personal conflicts of interest, fraud, waste and abuse as described in MARFORRES RCO Internal Operating Procedures.

1. Findings of Facts:

- a. [5 U.S.C. 552(b)(6)] is the Authorizing Official (AO) for the Safety Department's GCPC. Enclosure (24)
- b. [5 U.S.C. 552(b)(6)] is the designated Fund Manager (FM) for the Safety Department's GCPC. Enclosure (29)
- c. [5 U.S.C. 552(b)(6)] is the cardholder (CH) for the Safety Department's GCPC. Enclosure (25)
- d. [5 U.S.C. 552(b)(6)] stated he signed [5 U.S.C. 552(b)(6)] name as the FM. Enclosure (14)
- e. [5 U.S.C. 552(b)(6)] stated the FM was used as a "check in the box" and was not used in the proper manner as described in the IOP. Enclosure (14)
- f. [5 U.S.C. 552(b)(6)] stated that [5 U.S.C. 552(b)(6)] acted as the FM because he controlled the budget. Enclosure (14)

2. Analysis: The findings of fact revealed that the GCPC process in the Safety Department operates in violation of MARFORRES RCO GCPC Internal Operating Procedures. [5 U.S.C. 552(b)(6)] stated, as the FM, her only role in the process was to initially input the Safety Department's budget and then every month [5 U.S.C. 552(b)(6)] would normally hand her a stack of Purchase Request Documents (PRDs) to sign as the FM **AFTER** the purchases have already been made. [5 U.S.C. 552(b)(6)] stated that she had no role in verifying available funds prior to the purchase as MARFORRES RCO IOP states. MARFORRES RCO GCPC Internal Operating Procedures 2.3.5 states one of the roles as the CH is to ensure a four-way separation of function to prevent personal conflicts of interest and fraud, waste and abuse. Knowing that [5 U.S.C. 552(b)(6)] acted as the FM and the AO in violation of MARFORRES RCO GCPC Internal Operating Procedures 5.2.1. [5 U.S.C. 552(b)(6)] did not provide the proper separation of function as described in the IOP.

3. Findings: [5 U.S.C. 552(b)(6)] acting as the Card Holder for the GCPC in the Safety Department, did not provide the proper oversight which is in violation of MARFORRES RCO Internal Operating Procedures is **SUBSTANTIATED**.

4. Recommendations: SECNAVINST 12752.1A recommends reprimand to removal for failure to appropriately monitor the use of the government purchase card.

7. Issues/Concerns involving MARFORRES Safety Department and Programs:

a. ISSUE #1: Has MARFORRES established an authorized collection site for equipment containing radioactivity at Marine Corps Support Facility, New Orleans?

1. Analysis: MARFORRES Safety is in the process of establishing an authorized collection facility. The facility has already been established but has not been inspected and approved. The facility is waiting to be inspected by RADCON Albany. The facility appears to be within regulations according to the DOE Handbook, Tritium Handling and Safe Storage. There are currently compasses and 1 other item currently stored in the facility. PPE is present in the facility. The day that 5 U.S.C. 552(b)(6) and I went to look at the facility, the air conditioner unit was not working.

2. Findings/Recommendation: Has MARFORRES established an authorized collection site for equipment containing radioactivity at Marine Corps Support Facility, New Orleans, is **UNFOUNDED**. It appears this program is on track, but the facility has yet to be approved. I recommend adding inspection criteria for the facility to the SOP.

b. ISSUE #2: MARFORRES Safety personnel are not properly trained and certified in accordance with DoD, Navy, and Marine Corps directives, orders, and regulations to handle radiation material?

1. Analysis: 5 U.S.C. 552(b)(6) is assigned as the Radiation Safety Manager has been through CMC Safety Division Radiation Safety Managers Course in Feb 2015 (Enclosure 30). 5 U.S.C. 552(b)(6) is the Radiation Safety Officer and has attended various radiation Safety Courses to include the DoN Radiation Safety Officer Course. (Enclosure 25). SOPs have already been written, procedures are in place and some basic training has been performed with warehouse personnel.

2. Findings/Recommendation: Are MARFORRES Safety personnel not properly trained and certified in accordance with DoD, Navy, and Marine Corps directives, orders, and regulations to handle radiation material is **UNFOUNDED**. I recommend adding inspection criteria for the facility to the SOP and training schedules for the warehouse personnel due to the amount of turn-over.

c. ISSUE #3: Are MARFORRES safety directed programs: Warrior Preservation Status Report (WPSR) and Web Enabled Safety System (WESS) not properly maintained accordingly and are safety personnel not properly trained to manage these programs?

1. Analysis: [REDACTED] 5 U.S.C. 552(b)(6) was the WPSR manager. After his departure, [REDACTED] 5 U.S.C. 552(b)(6) was designated as the WPSR manager for a brief period of time before his retirement. Within the last year, WPSR has moved to a web based SharePoint product that has had issues inputting and receiving information since inception. Since [REDACTED] 5 U.S.C. 552(b)(6) departure, no one has been designated as the WPSR manager in the MFR Safety Department. Just recently, [REDACTED] 5 U.S.C. 552(b)(6) and [REDACTED] 5 U.S.C. 552(b)(6) have been getting acquainted with the WPSR program and have recently assigned Safety Personnel units to monitor. The WESS system is a passively managed Safety program. The user at individual commands inputs the incident into the system and then depending on the unit chaining entered, MARFORRES Safety Department may or may not receive notice of the incident. This incident would then be briefed to the CMFR. The MARFORRES Safety Department is responsible for inputting any incident into the WESS for all Headquarters Battalion personnel. According to [REDACTED] 5 U.S.C. 552(b)(6) all Safety personnel are trained to use WESS.

2. Findings/Recommendations: Are MARFORRES safety directed programs: Warrior Preservation Status Report (WPSR) and Web Enabled Safety System (WESS) properly maintained accordingly and are safety personnel properly trained to manage these programs, is **UNFOUNDED**. I recommend someone in the Safety Department be designated the WPSR manager and the subject matter expert for the Force.

d. ISSUE #4: Was it directed or encouraged to allow MARFORRES safety personnel to cheat on CP-12 classes in order to have them completed quickly?

1. Analysis: After interviewing all members of the Safety Department, it was never determined that cheating was directed or encouraged on any CP-12 class. There may have been a flippant comment as to "do whatever it takes" which the investigation concludes was taken out of context.

2. Findings/Recommendations: Was it directed or encouraged to allow MARFORRES safety personnel to cheat on CP-12 classes in order to have them completed quickly, is **UNFOUNDED**.

8. Criminal or Regulatory Standards:

a. **SUBSTANTIATED**, Informal Funds, 5 U.S.C. 552(b)(6) and 5 U.S.C. 552(b)(6) MCO 5760.4C, Procedures and Support for Non-Federal Entities Authorized to Operate on Marine Corps Installation and Informal Funds

b. **SUBSTANTIATED**, Misuse of Appropriated Funds, 5 U.S.C. 552(b)(6) and 5 U.S.C. 552(b)(6) NAVSUPINST 4200.99B, Government Commercial Purchase Card (GCPC) Program Policy and Principles of Federal Appropriations Law, Vol. I, Ch. 4

c. **SUBSTANTIATED**, Approving Official, 5 U.S.C. 552(b)(6) and 5 U.S.C. 552(b)(6) MARFORRES GCPC Internal Operating Procedures

d. **SUBSTANTIATED**, Damaged Government Telephone, 5 U.S.C. 552(b)(6) 18 U.S. Code § 1361

a. **SUBSTANTIATED**, Civilian Time and Attendance, 5 U.S.C. 552(b)(6) and 5 U.S.C. 552(b)(6) SECNAVINST 12752.1A, Civilian Personnel Disciplinary Actions

g. **SUBSTANTIATED**, Forged Signature, 5 U.S.C. 552(b)(6) 18 U.S. Code § 495

h. **NOT SUBSTANTIATED**, Abuse of Authority, 5 U.S.C. 552(b)(6) and 5 U.S.C. 552(b)(6) DoD 5500.7-R, Joint Ethics Regulation

i. **NOT SUBSTANTIATED**, Excessive TAD Trips, 5 U.S.C. 552(b)(6) and 5 U.S.C. 552(b)(6) Joint Travel Regulations (JTR)

j. **NOT SUBSTANTIATED**, Forged Signature, 5 U.S.C. 552(b)(6) 18 U.S. Code § 495

9. Disposition: To be determined by chain of command.

10. Recommendations:

a. Approve this report and close this case. No further investigation is warranted.

b. The adequacy of existing policy or regulations, noted weaknesses in systems of internal controls, systemic problems and any recommended corrective actions have been discussed within this report.

11. Other Matters: None

12. Security Classification: UNCLASSIFIED//FOUO

13. Location of Report: G-7, CIG, MARFORRES

14. Investigating Officer Conducting Report:

a. Scott Hanford

b. LtCol USMCR

c. Investigator

d. Command Inspector General, Marine Forces Reserve

e. scott.hanford@usmc.mil

f. (252) 626-9625

g. I certify that I have complied with the Quality Standards for Investigative Activities IAW DoD Instruction 7050.01.

5 U.S.C. 552(b)(6)

S. Hanford